IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

THURSDAY, THE 27TH SEPTEMBER 2007 / 5TH ASWINA 1929

WP(C).No. 27748 of 2007(C)

PETITIONER:

SAJEESH, AGED 25 YEARS,
S/O GOPI, MALAVILA ROADARIKATHU VEEDU,
PONJUMMOODU, KOOVALASSERI P.O.,
KATTAKKADA, THIRUVANANTHAPURAM.

BY ADV. SRI.T.A.UNNIKRISHNAN
SRI.K.SATHEESH KUMAR

RESPONDENTS:
----

1. THE SUB DIVISIONAL MAGISTRATE,
THIRUVANANTHAPURAM.

2. THE STATION HOUSE OFFICER,
MARANALLUR POLICE STATION,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
==========
W.P.(C) NO. 27748 OF 2007
==========

Dated this the 27th day of September, 2007

J U D G M E N T

The petitioner claims to be the owner of an autorikshaw bearing Registration No.KL01-N.6681. Admittedly, the vehicle in question was taken into custody by the police on 20/12/2006 and he seeks its release. It is stated by the learned Government Pleader that it was found abandoned and was taken into custody and remained unclaimed till 8/1/07. Thereafter, the police left it to the custody of the 1st respondent.

2. The petitioner claims that he produced documents and sought custody of the vehicle being its owner by virtue of an agreement. The complaint of the petitioner is that in response to his claim, the 1st respondent has issued Ext.P2 informing him that he is not the registered owner and required him to transfer registration in his name and then claim the vehicle.

3. The petitioner is right in submitting that if he is the person from whose custody the vehicle was taken into

possession, he is entitled to be returned the vehicle if there is no other claimant. For that purpose, the 1st respondent is not justified in insisting that he should have the registration transferred in his name.

4. However, the 1st respondent will be entitled to examine whether it is the petitioner from whose custody the vehicle is taken into possession. For that purpose, documents produced by the petitioner will be examined and if he is satisfied that the vehicle was taken into custody from the petitioner, the vehicle should also be released. The enquiry in this regard shall be completed within a period of six weeks.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp